

ASSEMBLY BILL

No. 2141

Introduced by Assembly Members Hall and Bonta

February 20, 2014

An act to add Section 48297 to the Education Code, relating to pupil attendance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2141, as introduced, Hall. Pupil attendance: truancy: referrals for prosecution.

Existing law defines a truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof. Existing law provides that a pupil who is required to be reported as a truant is subject to specified penalties for the first to 4th instances that a truancy report is issued to a pupil, and, under certain circumstances, he or she may be judged a ward of the juvenile court. Existing law provides that a parent, guardian, or other person having control of or charge of any pupil who is a truant or chronic truant is guilty of, among other things, an infraction and subject to specified penalties for the first to 3rd or subsequent convictions.

Existing law provides that any minor pupil who is a habitual truant, is irregular in attendance at school, or is habitually insubordinate or disorderly during attendance at school may be referred to a school attendance review board or to the probation department for services if the probation department has elected to receive these referrals. Existing law, under specified circumstances, authorizes a school attendance

review board to notify the district attorney or the probation officer, or both, if the district attorney or the probation officer has elected to participate in a truancy mediation program, as specified. Existing law, under specified circumstances, also authorizes a school attendance review board or probation officer to direct the county superintendent of schools to request a petition on behalf of the pupil in the juvenile court of the county.

This bill would require a state or local authority conducting a truancy-related mediation or prosecuting a pupil or a pupil's parent or legal guardian pursuant to these provisions, among others, to provide the pupil's school district, school attendance review board, county superintendent of schools, probation department, or any other agency that referred the truancy-related mediation, criminal complaint, or petition with the outcome of each referral, as specified. The bill would require those agencies to, at the end of the school year, provide the county superintendent of schools with a report regarding the information they received. The bill would require a state or local mediating or prosecuting authority to also provide the information in anonymized format to the Attorney General upon request. By imposing additional duties on local officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48297 is added to the Education Code,
2 to read:
3 48297. (a) (1) A state or local authority conducting a
4 truancy-related mediation or prosecuting a pupil or a pupil's parent
5 or legal guardian pursuant to Article 5 (commencing with Section
6 48260), this article, Section 48454, Section 270.1 or 272 of the
7 Penal Code, or Section 601 of the Welfare and Institutions Code,

1 as applicable, shall provide, using the most cost-effective method
2 possible, including, but not limited to, by electronic mail or
3 telephone, the school district, school attendance review board,
4 county superintendent of schools, probation department, or any
5 other agency that referred a truancy-related mediation, criminal
6 complaint, or petition with the outcome of each referral.

7 (2) This subdivision shall apply to, but is not limited to, the
8 referrals referenced in Article 5 (commencing with Section 48260),
9 this article, Section 48454, Sections 270.1 and 272 of the Penal
10 Code, and Sections 601, 601.2, and 601.3 of the Welfare and
11 Institutions Code.

12 (b) A state or local agency conducting a truancy-related
13 mediation or prosecuting a pupil or a pupil's parent or legal
14 guardian pursuant to Article 5 (commencing with Section 48260),
15 this article, Section 48454, Section 270.1 or 272 of the Penal Code,
16 or Section 601 of the Welfare and Institutions Code, as applicable,
17 shall, upon request, provide the Attorney General with the
18 information specified in subdivision (a) in anonymized format.

19 (c) A school district, school attendance review board, probation
20 department, or any other agency that refers a truancy-related
21 mediation, a criminal complaint, or petition for prosecution
22 pursuant to Article 5 (commencing with Section 48260), this
23 article, Section 48454, Section 270.1 or 272 of Penal Code, or
24 Section 601 of the Welfare and Institutions Code, as applicable,
25 shall, at the end of each school year, provide the county
26 superintendent of schools with a report regarding the information
27 it receives pursuant to subdivision (a).

28 SEC. 2. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.